

REMARKS/ARGUMENTS

This communication is responsive to the outstanding Office Action issued February 4, 2009. Claims 1, 5-10, 12-18 and 20-25 remain pending in the application. Applicants submit that this communication is fully responsive to the outstanding Office Action and that the claims are in condition for allowance.

Rejection Under 35 USC § 112

The Examiner has indicated that the language relating to the shrinkage of the label being less than about 5% is indefinite. Applicants submit that this is clear in that it is the total shrinkage of the label absent an indication otherwise. Applicants further point out that this same claim language was considered definite in the parent patent U.S. 6,729,969 (claim 9).

In view of the above, Applicants submit that the claims are definite within the meaning of 35 USC § 112, second paragraph. Withdrawal of the rejection is respectfully requested.

Rejections Under 35 USC §§ 102(e) and 103

Over Wilhout et al. (U.S. 5,928,740)

Claims 1, 5-12, 14-15, 18 and 20-25 were rejected under 35 USC § 102(e) and claims 13, 16 and 17 under 35 USC § 103(a) over Wilhout et al. (U.S. 5,928,740).

Applicants respectfully traverse this rejection.

Wilhout et al. has a filing date of February 28, 1997. The present application has an effective filing date of January 28, 1997 (claiming priority as a divisional application of U.S. 08/789,292 filed January 28, 1997). As such, the Wilhout et al. reference is not prior art under any provision of 35 USC § 102, muchless § 102(e) as § 102(e) requires the reference to have a filing date *prior to* the filing date of the present application, which it does not.

Accordingly, the rejections under 35 USC §§ 102(e) and 103(a) over Wilhout et al. are improper and should be withdrawn.

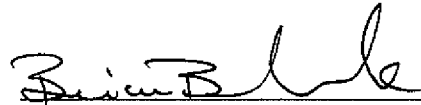
Conclusion

In view of the above, Applicants submit that the present application is in condition for allowability. Withdrawal of the rejections and issuance of a notice of allowance is respectfully requested. The Examiner is encouraged to contact the undersigned if any outstanding issues remain.

If there are any fees associated with this communication, please charge said fees to Avery Dennison's Deposit Account No. 013025.

Respectfully submitted,
Avery Dennison Corporation

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